

REMARKS

In the Office Action of September 27, 2004, the Examiner rejected claims 1-14 and 16-42.

The Examiner first rejected claims 1, 4, 7, 13-14, 22, 35 and 41 under 35 USC §102(b) or §103(a) as being anticipated by, or obvious over *Harris*.

However, Applicants have amended independent claim 1 to describe: "said contoured body comprising a pair of concave recesses, each recess of said pair of recesses located within one fender region, each said side member arranged at least partially within one said recess." *Harris* does not disclose such recesses. In *Harris*, Figure 7 is not taken through a fender region; it is taken through the door (see section 7-7 of Figure 1). In *Harris*, Figure 8 is through the fender region (see section 8-8 of Figure 1). As shown in Figure 8, the sill 63 is secured onto the sill-receiving surface 39. The sill-receiving surface 39 is not a concave recess as described in claim 1. Furthermore the element 130 is the truck door which would not to be considered part of a recess in that it is movable away from the member 63 in operation.

Applicants' concave recess through the fender region provides a strong secure fixture of the frame into the plastic contoured body, and is not shown in the cited art. Such a secure fixation would not be provided by the configuration of *Harris* where the frame is merely secured to the sill-receiving surface 39 of the floor as shown in Figure 5.

Applicants assert that the rejection has been overcome and request withdrawal of the rejection.

The Examiner next rejected claims 19-20, 25, 30-32 under 35 USC §102(b) as being anticipated by *Harris*.

Applicants have amended independent claim 19 to add the feature: "said side members being secured to a top surface of said contoured body within said recessed rails, each recess rail having an open top, a bottom and opposite sidewalls."

Applicants have amended independent claim 25 to add the feature: "said recesses having open tops and closed sides and bottoms."

Applicants have amended independent claim 30 to add the feature: "each said recess having an open top, a bottom and opposite sidewalls."

Harris does not disclose such recess features. In *Harris* Figure 7, the sill 63 is secured onto the sill-receiving surface 39. The sill-receiving surface 39 is not a concave recess as described in these claims. Furthermore, the element 130 is the truck door which would not to be considered part of a recess in that it is movable away from the member 63 in operation.

Applicants' concave recess provides a strong secure fixture of the frame into the plastic contoured body, with the ability to provide left and right lateral support to the frame member within the recess and to also strengthen the floor at these locations. Such a secure fixation would not be provided by the configuration of *Harris* where the frame is merely secured to the sill-receiving surface 39 of the floor as shown in Figure 5.

Applicants assert that the rejection has been overcome and request withdrawal of the rejection.

The Examiner next rejected claims 6, 21, 23, 24, 33-34 and 42 under 35 USC §103(a) as being unpatentable over *Harris*.

Based on the asserted allowability of the independent claims, these dependent claims should be allowable as well.

Applicants assert that the rejection has been overcome and request withdrawal of the rejection.

The Examiner next rejected claims 2, 3, 5, 8-12, 16, 26-28 under 35 USC §103(a) as being unpatentable over *Harris* in view of *Taylor*.

Based on the asserted allowability of the independent claims, these dependent claims should be allowable as well. Furthermore, *Taylor* describes a vehicle cab floor made as a one-piece plastic molding. However, there is no description that a cab frame at all that would be carried on top of the plastic cab floor. It is not suggested in this reference to have a metal cab frame supported on a top side of a plastic cab floor. It is therefore not suggested to incorporate the concave recesses of the presently claimed invention.

Applicants assert that the rejection has been overcome and request withdrawal of the rejection.

The Examiner next rejected claims 17-18, 29, 36-40 under 35 USC §103(a) as being unpatentable over *Harris* in view of *Bonnett et al.*

Based on the asserted allowability of the independent claims 1 and 25, these dependent claims should be allowable as well. Furthermore, *Bonnett et al.* also does not disclose the arrangements that side members of a metal cab frame are supported on a top side of the plastic floor and fender structure.

Bonnett et al. describes various truck cab constructions which for the most part are all comprised of two-piece upper and lower cab halves. A first embodiment sets forth upper and lower halves made of plastic that are then adhesively secured together. A second embodiment describes upper and lower cab halves of sheet metal that are also adhesively secured together. This reference does not disclose a metal cab frame that is supported on a plastic floor and fender structure.

Applicants assert that the rejection has been overcome and request withdrawal of the rejection.

Applicants assert that all claims are now in condition for allowance and request issuance of the application.

Respectfully submitted;

By: 

Randall T. Erickson, Reg. No. 33,872

The Law Office Of Randall T. Erickson, P.C.
425 W. Wesley St., Suite 1
Wheaton, Illinois 60187
Phone (630) 665-9404
Fax: (630) 665-9414
Customer No. 41528